

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04 11572 JLT

SUSAN COONEY,)
Plaintiff,)
)
v.)
)
HUMANISTIC PSYCHOLOGY)
INSTITUTE, d/b/a SAYBROOK)
INSTITUTE and MAUREEN O'HARA,)
Individually,)
Defendants.)
)

AFFIDAVIT OF GRACE V. BACON GARCIA

I, Grace V. Bacon Garcia, do hereby depose as follows:

1. I appear as counsel of record for the defendants Humanistic Psychology Institute d/b/a Saybrook Institute, (“Saybrook”) and Maureen O’Hara.
2. I am licensed to practice before the Courts of this Commonwealth, including this U.S. District Court for the District of Massachusetts.
3. I submit this affidavit in support of Defendants’ Opposition to Plaintiff’s Motion to Compel.
4. On May 19, 2005, the defendants jointly served discovery on the plaintiff. The plaintiff requested an extension to respond to the discovery. Defendants granted the extension and the plaintiff did not respond to the written discovery until August 8, 2005.
5. On November 29, 2005, I had a telephone conversation with Attorney Morenberg regarding defendants’ discovery responses. During that conversation, Attorney Morenberg expressed dissatisfaction with Maureen O’Hara’s draft answers and asked that they be supplemented. As a result of the conversation, Dr. O’Hara added further answers to her draft interrogatory answers prior to signing the final answers.

6. During the telephone conversation on November 29, 2005, and in later conversations, I have repeatedly informed Attorney Morenberg that the defendants have not withheld any documents on the basis of attorney-client privilege or work-product privilege other than those communications and notes that Attorney Vartain, as counsel for Saybrook, and myself have prepared, since the start of this litigation. Such communications involve communications regarding strategies, counsel's mental impressions and evaluations to the clients, as well as notes and other strategic documents prepared by counsel relating to such matters.
7. Based on communications with Attorney Vartain, Attorney Vartain is in possession of such attorney-client communications and attorney work product starting in or about August 2003, during which point, Saybrook responded to plaintiff's complaint regarding licensure. My involvement, and thus attorney-client communications and work product began in July 2004.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 14th DAY OF FEBRUARY 2006

/s/ Grace V. Bacon Garcia

Grace V. Bacon Garcia
BBO # 640970